

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION**

**JARELL TERRY
ADC #149998C**

PLAINTIFF

v.

CASE NO. 2:20-CV-00145-BSM

WILLIAM STRAUGHN, *et al.*

DEFENDANTS

ORDER

After *de novo* review of the record, United States Magistrate Judge J. Thomas Ray's proposed findings and partial recommendation [Doc. No. 109] is adopted. The motion for partial summary judgment [Doc. No. 58] filed by defendants William Straughn, Dexter Payne, Devine Maiden, and Dennis Ugbaja, is granted. Jarell Terry's corrective inaction claims against Straughn and Payne are dismissed without prejudice because Terry failed to exhaust his administrative remedies as required by the Prison Litigation Reform Act ("PLRA"). *See Porter v. Nussle*, 534 U.S. 516, 524 (2002). Straughn and Payne are dismissed as parties to this lawsuit because there are no remaining claims against them.

Terry is allowed to proceed on his excessive force claim against Ugbaja for events that took place on May 11, 2020. Terry is also allowed to proceed on his claim that Maiden sexually harassed him in the showers from approximately April 29, 2020 through May 14, 2020. Terry's remaining claims against Ugbaja and Maiden are dismissed without prejudice for failure to exhaust administrative remedies pursuant to the PLRA. *See* 42 U.S.C. § 1997(e)(a); *Woodford v. Ngo*, 548 U.S. 81, 85 (2006).

IT IS SO ORDERED this 5th day of January, 2022.

A handwritten signature in black ink, reading "Brian S. Miller". The signature is written in a cursive, flowing style.

UNITED STATES DISTRICT JUDGE